

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

RUBEN ESCANO,

Plaintiff,

v.

Civ. No. 22-360 DHU/GJF

RCI LLC, TIMESCAPE RESORTS LLC,  
STEPHEN BRADLEY, MEXICAN  
RIVIERA RESORTS UNLIMITED, and  
JOHN DOES 1–10,

Defendants.

**ORDER VACATING SETTLEMENT CONFERENCE, LIFTING STAY OF  
DISCOVERY, AND AMENDING PRETRIAL SCHEDULING ORDER**

THIS MATTER comes before the Court *sua sponte*. The Order Setting Settlement Conference specifically permitted any party to advise the Court if it “believe[d] for any reason that negotiation attempts would not be fruitful at the time set for the conference.” ECF 93 at 5. After extensively reviewing the parties’ confidential submissions to the Court as well as the settlement exchanges between the parties themselves, and after conducting hourlong *ex parte* conversations with each side, the Court concludes that the currently scheduled settlement conference would not be productive.

Accordingly, **IT IS ORDERED** that the settlement conference set for June 16, 2023, is **VACATED**.

**IT IS FURTHER ORDERED** that the temporary discovery stay imposed on May 11, 2023 [ECF 93 at 1], is **LIFTED**.

**IT IS FURTHER ORDERED** that the deadline to respond to any outstanding discovery requests shall be **June 30, 2023**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Reconsideration [ECF 95] is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the operative pretrial scheduling order [ECF 71] is **AMENDED** as follows:<sup>1</sup>

Any party seeking to propound affirmative expert testimony in its case-in-chief at trial shall identify to the other parties in writing any such expert witness and provide expert reports or other disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) and (C) no later than **July 14, 2023**.

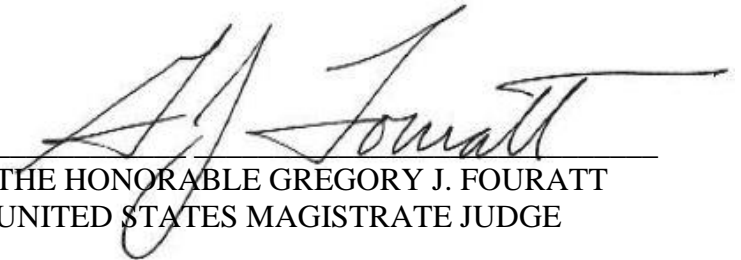
Any rebuttal expert reports or disclosures shall be served no later than **August 18, 2023**.

The termination date for discovery is **October 2, 2023**.

Motions relating to discovery (including but not limited to motions to compel or for protective order) shall be filed no later than **October 13, 2023**.<sup>2</sup>

All other pretrial motions (except motions in limine, which are governed by ECF 72) shall be filed no later than **October 27, 2023**.

**SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> In modifying the pretrial schedule, the Court is mindful of the Trial Notice [ECF 72] filed by the presiding judge, which set the trial for April 1, 2024.

<sup>2</sup> This deadline shall *not* be construed to extend the 21-day time limit in Local Rule of Civil Procedure 26.6.